



March 30, 2001

Ms. Cynthia B. Garcia  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102

OR2001-1276

Dear Ms. Garcia:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 145452.

The City of Fort Worth (the "city") received a request for a report specified by number, which you have submitted as exhibit D, and which consists of an offense/incident report pertaining to a dog bite incident. You state, however, that the requestor verbally clarified the request as actually seeking "Animal Control's report," and that the information responsive to the clarified request is contained in the submitted exhibit C, which consists of a document titled "City of Fort Worth Bite Grant Report."<sup>1</sup> You assert that this information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. You contend that the information in exhibit C is confidential pursuant to section 826.0211 of the Health and Safety Code. This provision makes confidential "[i]nformation that is contained in a rabies vaccination certificate that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the vaccinated animal." You argue that this

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<sup>1</sup>We thus understand that the submitted exhibit D is not responsive to the request. This decision accordingly addresses the claimed exception only with respect to the information contained in exhibit C.

provision applies to the report in exhibit C because the information in the submitted report, except for the victim's information, "comes from a copy of the rabies vaccination certificate." Exhibit C, however, is not itself a rabies vaccination certificate, nor has the requestor requested a copy of the certificate. We do not believe that section 826.0211 applies to a record other than a rabies vaccination certificate as stated in the plain language of the provision. Accordingly, we conclude that the information contained in exhibit C is not made confidential by section 826.0211 of the Health and Safety Code and thus may not be withheld under section 552.101 of the Government Code on that basis.

We note, however, that exhibit C contains the driver's license number of the owner of the dog, which we have marked. Section 552.130 of the Government Code provides in relevant part:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state[.]

We assume the information we have marked is a Texas driver's license number. Accordingly, we conclude the city must redact this information from exhibit C pursuant to section 552.130. We further conclude that the remaining information in exhibit C is not excepted from disclosure and therefore must be released to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records;

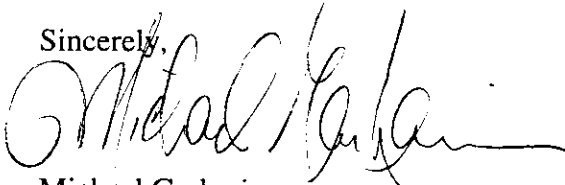
2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael Garbarino  
Assistant Attorney General  
Open Records Division

MG/seg

Ref: ID# 145452

Encl. Submitted documents

cc: Ms. Renada Bennett  
4925 Cave Creek Court  
Fort Worth, Texas 76137  
(w/o enclosures)